**IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**

Criminal Appeal No. 407-DB-2006

Date of Decision :- September 29, 2006.

Surinder Singh ....APPELLANT

VERSUS

Kulbhushan and others. ....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MEHTAB S.GILL
HON'BLE MR. JUSTICE BALDEV SINGH

Present:- Mr. S.P.S.Sidhu, Advocate for the appellant.

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**MEHTAB S.GILL, J.**

This is an appeal against the judgment dated 11.4.2006 of the Sub Divisional Judicial Magistrate, Jalalabad, whereby he acquitted the accused.

Learned counsel for the appellant has argued that the judgment of the learned trial Court is perverse. On 10.3.1998 at 6.00 p.m., the accused came to the shop of complainant, raised lalkara that

he should vacate the shop and thereafter attacked him. Accused Roshan Lal was carrying a knife. Accused Sheela Rani was carrying a Thapa (wooden batten). Accused Roshan Lal caused an injury with knife. Accused Kulbhushan and Ramesh Kumar pulled out the complainant from the shop and dragged him to the first floor. More Thapa blows were given by accused Sheela Rani. Accused Ramesh Kumar threw acid on the face of the complainant. Witnesses have been brought to support the case of the appellant, which have not been taken into consideration by the learned trial Court.

We have heard the learned counsel for the appellant and perused the impugned judgment with his assistance.

Complainant appeared as PW1 and stated that accused Roshan Lal is not accepting the rent for the last 3 to 4 years and he wanted to get the shop vacated forcibly. He stated what has been stated above. Further he examined Bhagwan Singh as PW2, who supported the case of the complainant. The alleged occurrence took place on 10.3.1998. Complaint has been filed on 18.3.1998. There is an unexplained delay of 8 days in filing the complaint. As per the complainant version, injuries were given by knife and Thapa (wooden batten) and also the complainant was dragged. No medico legal examination of the complainant was done nor was he taken to hospital to have the injuries cared of by a doctor. Accused Roshan Lal is aged 70 years and Sheela Rani is aged 65 years. Complainant is a young

man of 34-35 years. No corroboration is coming to the ocular account by medical evidence.

We do not find any infirmity in the judgment of the learned trial Court.

Dismissed.

(MEHTAB S.GILL)
JUDGE

(BALDEV SINGH)
JUDGE

September 29, 2006
SKA

WHETHER TO BE REFERRED TO REPORTER? YES/NO